

# **EXHIBIT A**

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**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

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CAPANA SWISS ADVISORS AG, a Swiss corporation; AMERIMARK AUTOMOTIVE AG, a Swiss corporation,

Plaintiffs,

vs.

RYMARK, INC., a Utah corporation;  
NICHOLAS THAYNE MARKOSIAN, an individual; JOHN KIRKLAND, an individual;  
and VICKY SMALL, an individual,

Defendants.

And Related Counterclaims and Third-party  
Claims

**[PROPOSED AMENDED]  
SCHEDULING ORDER**

Civil Case No. 2:23-cv-00467

Judge: Hon. Ted Stewart

Magistrate Judge: Hon. Cecilia M. Romero

Having considered the Parties' Stipulated Motion for Amended Scheduling Order (the "Motion") (ECF       ) filed pursuant to Fed. R. Civ. P. 16(b), and for good cause appearing, the Court hereby GRANTS the Motion and amends the Scheduling Order (ECF 88) as follows<sup>1</sup>:

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<sup>1</sup> The Court acknowledges that Third-Party Defendant Ashley Miron Leshem currently maintains that the Court does not have personal jurisdiction over him and he has filed a renewed Motion to Dismiss (Dkt. No. 301) to that effect on numerous grounds

The Court recognizes that Mr. Leshem, in an abundance of caution, reserves his rights, and waives none, to obtain new or revised scheduling deadlines that are (a) consistent with his status in this case after resolution of Mr. Leshem's motion to dismiss, and (b) otherwise reasonable and necessary to protect Mr. Leshem's right to participate fully in this case, including all pre-trial discovery.

Additionally, the Court has held that: "It would be prejudicial to not allow Defendants limited time to engage in fact discovery given Leshem and AmeriMark Group were added later in the matter." (Dkt. No. 283, at 3). Consequently, the Court recognizes that Third-Party Plaintiffs reserve their rights to seek relief from the Court that is reasonable and necessary to take discovery from Mr. Leshem should he not be dismissed from this case.

<b>Event</b>	<b>Current Deadline</b>	<b>Proposed Deadline</b>
Last Day to Serve Written Discovery:	December 28, 2024	<b>October 1, 2025</b>
Close of Fact Discovery:	January 28, 2025	<b>October 31, 2025</b>
Last Day to File Motion to Amend Pleadings:	November 28, 2024	<b>July 30, 2025</b>
Last Day to File Motion to Add Parties:	November 28, 2024	<b>July 30, 2025</b>
Evaluate case for settlement/ADR on:	April 4, 2025	<b>November 9, 2025</b>
Rule 26(a)(2) Expert Disclosures	February 27, 2025	February 27, 2025
Rule 26(a)(2)(C) Counter Disclosures	April 4, 2025	April 4, 2025
Rule 26(a)(2) Expert Reports	May 10, 2025	<b>November 29, 2025</b>
Rule 26(a)(2)(C) Counter Reports	June 10, 2025	<b>January 2, 2026</b>
Last Day for Expert Discovery:	July 10, 2025	<b>February 14, 2026</b>
Deadline to File Dispositive or Potentially Dispositive Motions:	August 9, 2025	<b>March 11, 2026</b>
Deadline to File Partial or Complete Motions to Exclude Expert Testimony:	July 10, 2025	<b>March 3, 2026</b>
Deadline for filing a request for a scheduling conference with the district judge for the purpose of setting a trial date if no dispositive motions are filed.:  <i>At the time of argument on motions for summary judgment, the court will discuss the scheduling of trial. Counsel should come to the hearing prepared to discuss possible trial dates. If the schedule set forth herein is not extended, the parties can generally expect that trial will be set sometime during the 2nd quarter of 2026.</i>	August 15, 2025	<b>January 14, 2026</b>
Requested Trial Date	N/A	The parties anticipate being ready for trial in May 2026

**IT IS SO ORDERED.**

DATED: this \_\_\_\_\_ of September, 2025.

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Magistrate Judge Hon. Cecilia M. Romero  
United States District Court for the District of Utah